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## Steps for an Affirmative Action Program

### Step One

**Commitment:** The company begins by establishing a policy and commitment to equal employment opportunity.

**Responsibility:** A senior company executive assumes responsibility for the program.

**Resources:** Under the leadership of the responsible official, an Affirmative Action committee is formed to review the company's labour force and employment practices. The committee is composed of company, union, employee, and sometimes community representatives.

### Step Two

**Internal Labour Force:** Data about the company's labour force are collected according to department and job classification.


**External Labour Force:** Data are collected about the availability of women and minorities in the relevant labour force.

**Analysis of Employment Profile:** Based on the collected data, the company's employment profile is analyzed for indications of over-concentration and under-utilization of women and minorities in specific jobs.



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**Employment Systems:** All employment practices are reviewed to identify those which cause discrimination.

### **Step Three**

**Goals and Timetables:** Goals and timetables for remedying the employment discrimination are established.

**Alternative Practices:** Alternative employment practices are developed to replace those which result in discrimination.

**Special Measures:** To offset past discrimination, special measures, such as training programs, are developed.

**Evaluation:** A monitoring and feedback system is developed to measure the plan's progress.

### **Step Four**

**Human Rights Commission:** The Affirmative Action plan is referred to the appropriate Human Rights Commission for review.

### **Step Five**

The plan is implemented, its outcome carefully monitored and assessments on progress are made.





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## **Systemic Discrimination**

Employment discrimination used to be viewed as a series of isolated, overt acts which were an expression of an individual's or an organization's ill-will and prejudice.

Now, however, employment discrimination is also viewed as the product of employment practices and systems. This "systemic" discrimination exists even when there is no intent to discriminate.

Experts note that some employment practices, although equal in intent and application, actually discriminate against women and minorities.

For example, employers sometimes set unnecessarily high educational requirements for certain jobs. This eliminates many competent people, including natives, who are often highly skilled in the trades but are unable to compete for jobs they could perform well because they lack an academic background. Employers also sometimes use pre-employment tests as screening devices for potential employees. Yet, these tests are not always related to job performance. In some cases, people who do well on the tests are unable to perform on the job.

Affirmative Action programs eliminate systemic discrimination and thus ensure that employers have a more appropriate basis for the best utilization of human resources.



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## System Identification

System identification is the process of determining the mathematical model of a system from its input and output data. This is a fundamental task in control engineering and system analysis.

The first step in system identification is to collect data from the system. This data is then used to estimate the parameters of the system model. The model is then used to predict the system's behavior for future inputs.

There are several methods for system identification, including the least squares method, the maximum likelihood method, and the Kalman filter. Each method has its own advantages and disadvantages.

The least squares method is the most commonly used method for system identification. It is based on the principle of minimizing the sum of the squares of the residuals. The maximum likelihood method is based on the principle of maximizing the likelihood of the observed data. The Kalman filter is a recursive algorithm for estimating the state of a system.

System identification is a complex task that requires a good understanding of the system and the data. It is a key tool for control engineers and system analysts.



## Affirmative Action and the CEIC

In promoting Affirmative Action, the Canada Employment and Immigration Commission (CEIC) has the mandate to implement the Affirmative Action Strategy and the Federal Contracts Program.

### The Affirmative Action Strategy

The Affirmative Action Strategy will provide services to all companies, thus assisting them to improve the employment situation of women, natives and the disabled. Another group may be designated in certain areas of the country to provide for their particular socio-economic needs. In Nova Scotia, Blacks are also a target group.

CEIC consultants are available across Canada to help organize Affirmative Action programs. They will offer technical advice and expertise on how to set up a program for women, natives and the disabled. The consultants have been trained to look at the individual nature of companies and adapt the Affirmative Action method to specific needs. There is no charge for these services.

The first stage in setting up a program is the collection of data about the company and the labour market from which the company can hire. Barriers to the full employment of women and minorities are identified and alternative employment practices introduced.

Positive steps are planned to remedy past discrimination and increase the hiring, promotion and training of those who have the potential. Goals and timetables are developed. Results are monitored and evaluated and the program is modified accordingly.

Affirmative Action consultants will advise employers about all the other services and training programs available through CEIC which might be useful in developing an Affirmative Action program. Consultants can also plan workshops for employers who want to learn about the principles of Affirmative Action before committing themselves to a program.





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## **The Federal Contracts Program**

The Federal Contracts Program encourages Crown corporations and businesses benefitting from contracts with federal departments to adopt Affirmative Action. Under this program, the target group is limited to women.

The federal government will inform contractors that CEIC services are available to help them develop an Affirmative Action program and that other Commission programs and services are available as further resources.

The Federal Contracts Program uses the same Affirmative Action principles and practices developed for other organizations. The main difference is the emphasis CEIC is placing on ensuring that Crown corporations and businesses benefitting from federal government contracts adopt Affirmative Action plans.



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## Advantages of Affirmative Action

The advantages of adopting an Affirmative Action plan include:

### 1. Greater Productivity

When employees know their employer has established an equal opportunity program and there is a chance for them to move ahead in the company, they tend to work harder. Absenteeism and job turnover have dropped in companies that have adopted an Affirmative Action plan.

### 2. Improved Employee Morale

When employees know that their employer uses fair employment practices in hiring and promoting, their morale increases significantly. There is greater motivation to improve performance and prepare for promotion, as well as increased confidence in personnel functions.

### 3. Enhanced Employer Image as a "Good Corporate Citizen"

A good public image benefits any company. A company regarded as a "good corporate citizen" can expect that the public will be favourably disposed towards its products and services. A company with a good public image can also expect to attract as employees the increasing number of high-powered and highly skilled women and members of minority groups.

### 4. Effective Human Resource Planning and Better Use of Women and Minorities in the Work Force

Through Affirmative Action, employers can better match skills and abilities to jobs, thus reducing the possibility of letting unused talents go to waste. Affirmative Action also removes employment barriers for women and minorities and provides the employer with a larger pool of people from which to hire and promote.

These advantages have been outlined in a 1979 study undertaken by the Conference Board, an independent non-profit business research organization. The study shows that companies involved with Affirmative Action programs see the major benefit as a more appropriate use of human resources. This includes better use of talents available within the organization, which produces economies due to promotion from within rather than outside the organization, and access to an untapped source of competent employees for many jobs. The study also reveals that, as a result of an Affirmative Action program, more open and objective personnel practices exist for all, with greater emphasis placed on career planning and counselling.





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## **What is Affirmative Action?**

Affirmative Action is a result-oriented program to increase the representation of minorities and women at all levels of the workplace.

Affirmative Action corrects employment systems which discriminate against minority groups and women.

Many employers unknowingly use employment practices that exclude qualified candidates from competing for positions in their organizations. As a result, employers do not always find the best person for the job and certain groups of people do not have the opportunity to fully realize their potential skills and abilities.

By implementing Affirmative Action programs, employers and unions or employee representatives eliminate those practices which fail to provide equal opportunity for everyone in the workplace. Neutral employment practices are adopted which allow the best person to get the job. Affirmative Action also includes special measures for women and minorities to ensure they can overcome the effects of past discrimination.

Like all other business objectives, goals and timetables are established by management and unions to enable results of the programs to be measured. Affirmative Action sets yearly targets for the hiring, training, and the promoting of qualified or potentially qualified target group members.

Affirmative Action is not discrimination in reverse. Affirmative Action is a special effort to bring into all areas of the work force those who previously have been excluded. Affirmative Action is designed to correct under-utilization — it is not designed to benefit women and minorities to the exclusion of other groups.



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## **Alternative Employment Practices**

Under Affirmative Action programs, employers use alternative employment practices to replace those which have resulted in discrimination against women and minorities. For example, objective, job-related tests for employment selection and training are developed. As well, all job openings are publicized instead of relying on the "grapevine", thus ensuring that all qualified people are aware of available positions.



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## **Special Measures**

Special measures are needed to overcome the effects of past discrimination. Such measures are selected activities designed to overcome specific employment problems or barriers faced by women and minorities. They may include work site or environmental modifications, job redesign or selective training programs for women and minority group members. They may also include, periodically, setting aside a certain percentage of available positions for designated groups. Special measures are basic to Affirmative Action.



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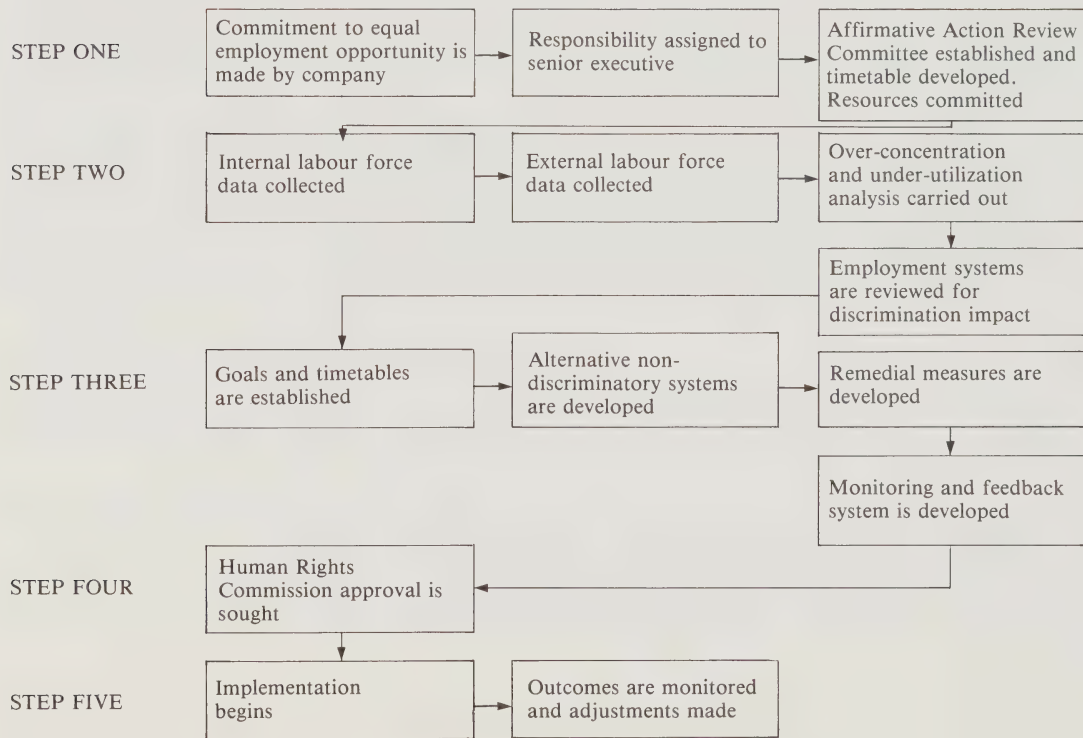
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### Affirmative Action Plan Development



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## Affirmative Action — Questions and Answers

### What is “Affirmative Action”?

Affirmative Action is a result-oriented program designed to increase the representation of minorities and women at all levels of the work force.

### Will Affirmative Action result in reverse discrimination?

No. Discrimination based on prohibited grounds is illegal. A majority representative has the right to file a complaint if he or she believes an opportunity has been denied because of discrimination. Unfortunately, as long as there are more applicants than there are jobs to be filled, those not selected tend to feel they have been “discriminated against”. Any form of discrimination is an abuse of Affirmative Action and conflicts with the intent of the program. However, there are instances of individuals trying to undermine an Affirmative Action program by falsely telling unsuccessful candidates they were not chosen because “they needed a minority representative”.

### Is Affirmative Action a form of preferential treatment?

All selection is a form of preferential treatment. In every employment decision a preference is exercised when more than one candidate is being considered. It is acceptable to undertake special efforts to bring into the work force those who have been previously excluded on a class basis. Affirmative Action is designed to correct under-utilization — it is not designed to prefer minorities and women to the exclusion of other groups.

### Does Affirmative Action mean lowering standards?

No. Affirmative Action *does* mean changing standards when it is found, for example, that minimum qualifications which screen out a disproportionate number of minorities are unduly stringent, are not job-related, and do not predict job performance. It also means developing selection devices which measure the skills required for the job instead of using artificial measurements which serve only to reduce the number of applicants and frequently screen out valuable talent. Such changes result in an improved personnel system.



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**Are employers expected to hire the “less qualified” over the “more qualified” to meet Affirmative Action goals?**

Employers are not expected to establish any hiring practices that conflict with the principles of sound personnel management. No one should be hired unless there is a basis for believing the individual will perform successfully. However, looking at any work force, it is obvious that the state of the art is not yet developed to the point where it is possible to predict who, among candidates, is certain to give the best performance once hired. The “best” or “most qualified” applicant is not necessarily the one with the most advanced degree or the most prior experience. The “best” or “most qualified” applicant may be the one who is highly motivated and has the ability to learn, and who meets the need to bring diversity into the system. The assumption that hiring minorities means sacrificing quality is unfounded.

**Is there really any difference between ‘goals’ and ‘quotas’?**

Yes. There is a tendency among those who feel personally threatened by Affirmative Action to insist on introducing the emotion-packed word ‘quota’ where it does not belong. Quotas are rigid and exclusive — they infer ‘this is what you must achieve, no matter what.’ Goals are flexible and inclusive — they infer ‘this is what we think you can achieve if you try your best’. Goals are simply program objectives translated into numbers. They provide a target towards which to strive, and a useful vehicle for measuring progress.





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## Legislation

### Legislation on Affirmative Action

Adoption of an Affirmative Action program is voluntary. The potential for higher productivity, more effective human resource planning and better use of women and minorities in the work force will convince most employers to develop a program. However, the Canadian Human Rights Commission, established under the Canadian Human Rights Act, has the power to order an Affirmative Action program for an organization that has a proven record of discriminatory employment practices.

### Legislation against Discrimination

The Canadian Human Rights Act and provincial statutes provide legislative guarantees against discrimination in employment. They establish grounds on which discrimination is not permitted and set out employment practices and policies which must be followed.

### Systemic Discrimination

The Canadian Human Rights Commission has studied the effects of employment discrimination on certain groups of people. Its 1978 annual report states:

“We cannot therefore define discrimination in terms of behaviour motivated by evil intentions; the definition has to include the impact of whole systems on the lives of individuals — what is called structural or systemic discrimination. As well as offering redress in isolated cases of discrimination against specific individuals, therefore, the Commission must study employment systems and social programs from the point of view of their effect on certain groups.”

### Special Measures

The Canadian Human Rights Act states that it is permissible to adopt special programs or take special measures to combat employment discrimination suffered by those groups protected by the Act.

### Section 15(1):

“It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group or individuals when those disadvantages would be or are based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap of members of that group, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group.”

Most provincial legislation allows for the adoption of special measures to help eradicate discrimination, particularly in the employment area.

When necessary, steps may be taken to obtain for Affirmative Action programs the approval of the appropriate federal or provincial Human Rights Commission.



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## Unions and Affirmative Action

Unions have traditionally used the collective bargaining process as the main instrument for improving the status of workers in the workplace.

Unions have the responsibility for representing all their members, including women and minorities.

They can do this by including an Affirmative Action clause in their contract demands. They can also ensure significant employee representation on an Affirmative Action Committee if the employer takes the initiative in setting up a program.

Many unions have already indicated an interest in Affirmative Action and have stated that it is an area where Affirmative Action will be made more effective by including it in negotiating demands.

The Canadian Union of Public Employees (CUPE) has designed an excellent manual on setting up an Affirmative Action program.

The Ontario Federation of Labour is participating in a provincial committee promoting Affirmative Action.

The Nova Scotia Federation of Labour has, in co-operation with the Nova Scotia Human Rights Commission, conducted seminars on Affirmative Action.

Unions, too, can consider organizing an Affirmative Action program within their own organizations. In many cases, women and minorities are under-represented as union officers.



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I. Material Available from: Affirmative Action Division,  
Canada Employment and Immigration Commission,  
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11th Floor,  
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1. Pamphlet: Guidelines for Employers (E & F)
2. Concept Paper (E)
3. Questions and Answers Page (E)
4. Videotape presentation - 55 min. - colour  
Peter Robertson - On What Affirmative Action means (E)
5. Slide Show:  
Affirmative Action  
Affirmative Action: Is it a Magic Formula?  
Affirmative Action for Employers  
Affirmative Action for Unions
6. Affirmative Action - Implications for Manpower Operations -  
Policy and Program Council - Explanatory Section - Section 1977 (E & F)



II. A) Other Sources in Canada

i) National

- 1) Canadian Union of Public Employees (C.U.P.E.)  
  
(see Affirmative Action Manual)
- 2) Canadian Human Rights Commission  
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- 4) Mary Eady  
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2841 Riverside Dr.  
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II. B) Other Sources in Canada

ii) Provincial

- 1) Women's Bureau  
Ministry of Labour  
400 University Ave.  
Toronto, Ontario  
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(see Affirmative Action Consulting Service material)

(see also Research Branch, Bibliography Series, on Human Rights documents)

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Education Programs Division  
Office of Voluntary Programs  
Washington, D.C. 20506
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Washington D.C. 20202  
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\* Affirmative Action  
- Civil Rights  
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- Equal Opportunities (Jobs)  
- Government Role  
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- Institutional Role and Professional Education
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Women's Bureau  
200 Constitution Ave.  
Rm. 53313  
Washington, D.C. 20210
- 4) Office of Federal Contract Compliance  
Department of Labour  
200 Constitution Avenue  
Washington, D.C. 20210



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